

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

CHRISTOPHER FOSTER,	:	Case No. 2:22-cv-2153
	:	
Plaintiff,	:	
	:	
vs.	:	Chief Judge Algenon L. Marbley
	:	Magistrate Judge Caroline H. Gentry
	:	
OHIO D.R.C., ET AL.,	:	
	:	
Defendants.	:	

ORDER

This civil rights action is before the Court on Plaintiff's "Motion to File Emergency Writ" (Doc. 19), and his request that this Motion open a new habeas corpus case (Doc. 20).

It is appropriate that an action seeking habeas corpus relief proceed separately from a civil rights action. *See Ruza v. Michigan*, No. 1:20-cv-504, 2020 WL 4670556, at *2 (W.D. Mich. Aug. 12, 2020), *aff'd*, No. 20-1841, 2021 WL 3856305 (6th Cir. Apr. 7, 2021) (and the cases cited therein) ("courts generally have been reluctant to allow hybrid civil rights/habeas actions, given that civil rights actions and habeas petitions have distinct purposes and contain unique procedural requirements that make a hybrid action difficult to manage."). Plaintiff's request to open a new action (Doc. 20) is **GRANTED** to this extent. The Clerk of Court is **DIRECTED** to open a new action on the Court's docket and file therein the Motion to File Emergency Writ. (Doc. 19). The Clerk is further **DIRECTED** to note on the docket of this case that the Motion (Doc. 19) has been transferred to the new case, and to moot the Motion for purposes of this case only. The Clerk is also **DIRECTED** to send Plaintiff a copy of the Motion bearing the new case number for the habeas corpus matter.

The Court expresses no opinion as to whether the Motion has merit or whether Plaintiff may proceed further with the habeas corpus action under the applicable statutes and rules. The judicial officers to whom the new case is assigned and referred will consider how to proceed with the Motion in the new case. Plaintiff is **ADVISED** that he must include the appropriate case number on all further filings.

IT IS SO ORDERED.

January 26, 2023

/s/ Caroline H. Gentry

CAROLINE H. GENTRY
UNITED STATES MAGISTRATE JUDGE